

REMARKS

Reconsideration of the Final Office Action mailed June 21, 2005, (hereinafter "instant Office Action"), entry of the foregoing amendments and withdrawal of the rejection of claims 1-22 and 38-58, are respectfully requested. A Reply to the Final Office Action and a Notice of Appeal were mailed September 21, 2005. An Advisory Action was mailed October 24, 2005.

In the instant Office Action, claims 1-60 are listed as pending and claims 1-22 and 38-58 are listed as rejected. Claims 23-37, 59 and 60 are listed as withdrawn from consideration.

Applicants gratefully acknowledge that the Examiner has withdrawn his objection to claim 1 as having new matter.

The Examiner has maintained the rejection of claims 1-22 and 38-58 under 35 U.S.C. §103(a) over Das et al., U.S. 2002/0123484 A1. Applicants respectfully traverse this rejection and maintain the arguments presented in the Replies filed September 22, 2004 and March 7, 2005. The Advisory Action indicated that the amendments submitted September 21, 2005 were not entered but that they would overcome the rejection of claims 1-22 and 38-58 under 35 U.S.C. §103(a) over Das et al., U.S. 2002/0123484 A1. Therefore, Applicants have included the September 21, 2005 amendments again with the instant Reply. Without conceding the correctness of the Examiner's rejections and for the sole purpose of advancing the prosecution of the instant application to place it in condition for allowance, and pursuant to the telephone conversation between Gayle O'Brien, Agent for Applicants, and the Examiner on June 20, 2005, Applicants have amended claim 1 to put a dash before NHX³ and NX³X³ in the definition of R¹ and R² to clarify that the moieties NHX³ and NX³X³ are connected to the phenyl ring at the nitrogen of the amino group and, as also suggested by the Examiner in the June 20, 2005 telephone conversation, Applicants have added the phrase "provided that alkylamino and arylamino are attached to the phenyl ring via the nitrogen of the amino group" to the definition of R¹ and R² in claim 1 to indicate that the alkyl moiety is not directly linked to the phenyl moiety of the benzothiazole of formula I.

Based upon the foregoing, the rejection of claims 1-22 and 38-58 under 35 U.S.C. §103(a) over Das et al. is obviated and should be withdrawn.

The Examiner has objected to claims 1-22 and 38-58 as containing non-elected subject matter heteroaryl or heterocycle, i.e. pyridyl, triazole, furanyl, imidazole, morpholino, pyrrolidine, etc. Applicants have amended claims 1-4, 7-8, 10-16, 40-41, 43-44, 48, 51, 53, 55-58 and cancelled claims 23-37, 44 and 59-60 to delete non-elected subject matter.

Based upon the foregoing, the objection to claims 1-22 and 38-58 as containing non-elected subject matter heteroaryl or heterocycle, i.e. pyridyl, triazole, furanyl, imidazole, morpholino, pyrrolidine, etc. is obviated and should be withdrawn.

No fees are due for the instant amendment since the total number of claims after entry of the amendments hereinabove is not more than the total number of claims that Applicants have paid for to date.

Based upon the foregoing, Applicants believe that claims 1-22, 38-43 and 45-58 are in condition for allowance. Prompt and favorable action is earnestly solicited.

If the Examiner believes that there are any issues that could be resolved in a telephone conference, Applicants invite the Examiner to call Applicants' undersigned agent.

Respectfully submitted,

Date: November 21, 2005

Gayle O'Brien

Gayle O'Brien
Agent for Applicants
Reg. No. 48,812

Abbott Bioresearch Center
100 Research Drive
Worcester, MA 01605
(508) 688-8053